

1 UNITED STATES COURT OF APPEALS  
2 FOR THE SECOND CIRCUIT  
3

4 SUMMARY ORDER  
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6 THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL  
7 REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS  
8 OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS  
9 OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A  
10 RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL  
11 OR RES JUDICATA.  
12

13 At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the  
14 Thurgood Marshall United States Courthouse, at Foley Square, in the City of New York, on the  
15 6th day of July, two thousand and six.  
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17 PRESENT:  
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19 HON. AMALYA L. KEARSE,  
20 HON. GUIDO CALABRESI,  
21 HON. ROSEMARY S. POOLER,  
22 *Circuit Judges.*  
23

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26  
27 RAVINDER SINGH,\*  
28

29 *Petitioner,*  
30

31 v.  
32

No. 04-2772-ag

33 ALBERTO R. GONZALES,\*\*  
34 Attorney General of the United States,  
35

36 *Respondent.*  
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\_\_\_\_\_  
\* The Clerk is requested to modify the official caption to reflect the correct spelling of  
petitioner's name, which we give here.

\*\* Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Attorney General Alberto R.  
Gonzales is automatically substituted for former Attorney General John Ashcroft as the  
respondent in this case.

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4 For Petitioner: JONATHAN M. KAUFMAN, San Francisco, Cal.

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6 For Respondent: ROBERT E. COURTNEY, Deputy United States  
7 Attorney (Robert E. Zauzmer, Assistant United  
8 States Attorney, *on the brief*) for Patrick L.  
9 Meehan, United States Attorney for the Eastern  
10 District of Pennsylvania, Philadelphia, Penn.

11  
12 Appeal from a final decision and order of removal of the Board of Immigration Appeals.

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16 **UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND**  
17 **DECREED** that the petition for review is **DENIED**.

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21 Petitioner Ravinder Singh seeks review of the Board of Immigration Appeals' ("BIA")  
22 decision denying his motion to reconsider on the ground that it was filed long after the thirty-day  
23 deadline applicable to motions to reconsider under 8 C.F.R. § 1003.2(b)(2). We assume the parties'  
24 familiarity with the underlying facts, procedural history, and scope of issues on appeal, which we  
25 reference only as necessary to explain our decision.

26 We review the BIA's denial of a motion to reopen for abuse of discretion. *See Paul v.*  
27 *Gonzales*, 444 F.3d 148, 153 (2d Cir. 2006). "An abuse of discretion may be found in those  
28 circumstances where the Board's decision provides no rational explanation, inexplicably departs  
29 from established policies, is devoid of any reasoning, or contains only summary or conclusory  
30 statements; that is to say, where the Board has acted in an arbitrary or capricious manner." *Ke Zhen*  
31 *Zhao v. U.S. Dep't of Justice*, 265 F.3d 83, 93 (2d Cir. 2001) (internal citations omitted).

1 Without explanation or excuse, petitioner filed his motion to reconsider eighteen months after  
2 the order of the BIA became final. Petitioner does not contend that the BIA misconstrued his  
3 motion. As such, it was not an abuse of discretion to deny the motion as untimely since it plainly  
4 exceeded the 30-day filing deadline. *See* 8 C.F.R. 1003.2(b)(2) (“A motion to reconsider a decision  
5 must be filed with the Board within 30 days after the mailing of the Board decision.”).

6 Petitioner also argues that the Immigration Court had lacked subject matter jurisdiction to  
7 commence removal proceedings against him because the Notice to Appear with which he was  
8 originally served did not list the title of the immigration officer who prepared the Notice. Singh’s  
9 assertion is meritless. The agency regulation that prescribes what should be included in a charging  
10 document sent to the Immigration Court does not include the title of the immigration officer among  
11 the administrative information that ought to be included. *See* 8 C.F.R. § 1003.15(c). Moreover, the  
12 regulation explicitly states that a “[f]ailure to provide any of these items shall not be construed as  
13 affording the alien any substantive or procedural rights.” *Id.*

14 We have considered all of petitioner’s arguments and find them to be without merit. For the  
15 foregoing reasons, the petition for review is DENIED.

16 For the Court,  
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18 ROSEANN B. MACKECHNIE,  
19 Clerk of the Court  
20

21 by: \_\_\_\_\_  
22